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preparation of the treatise, and that they have been well expended. The style is clear, the citation of authorities seems to be quite complete, and, although the author does not obtrude his opinions, he does not hesitate to express them where necessary. It is, for instance, clear that he is not of those who entertain the opinion that our liberties would be greatly endangered or justice imperilled by the abolition of trial by jury, and that he approves of special verdicts, and particularly of special findings, as calculated to search the conscience of the individual juror, and to lessen the likelihood of a jury ignorantly or willfully giving an unjust decision, which cannot be reversed on appeal, as frequently happens where only a general verdict is rendered.

There is an appendix giving a summary of the statutes relating to special verdicts, and special findings on particular questions of fact, and the index appears to be complete and carefully prepared.

The work of the publishers is not in all respects that which we are accustomed to expect from this company. In the copy placed in the reviewer's hands, page 37 is almost entirely blank, and page 44 nearly one-half blank, and the Table of Contents could certainly have been put in a much better form, both as to type and spacing.

THE LAWYERS' REPORTS ANNOTATED. NEW SERIES. Book 1. Burdett A. Rich, Henry P. Farnhan, editors. Rochester: The Lawyers' Co-operative Publishing Co. 1906. pp. 47, 1282.

Why the publishers have instituted a new series of these valuable reports is not explained. Certainly the new volumes do not differ radically from those with which we have become familiar. In the language of the preface to this book, "the only change is by addition." More cases are to be reprinted in each volume; and brief Case Notes are appended in great profusion. This enlargement of the books and improvement in their contents would not seem to call for ringing out the old and ringing in a new series.

However, we are not disposed to quarrel over a matter of detail with editors and publishers who are bent upon making an already good thing still better. We welcome this volume and those that are forthcoming, not only as a collection of leading cases, but as a continuous commentary and digest of great worth. Most of the Subject Notes in this book are timely and exhaustive; especially those on "Legislative Authority for a Private Nuisance," "The Law Governing Automobiles," and "The Sale of Trademarks."

LAW OF THE DOMESTIC RELATIONS, EMBRACING HUSBAND AND WIFE, PARENT AND CHILD, GUARDIAN AND WARD, INFANCY AND MASTER AND SERVANT. By JAMES SCHOULER. Boston: Little, Brown & Co. 1905. pp. xxxix, 421.

The author tells us in his preface that the present work "is abridged from the author's larger work upon this subject, and makes use, besides, of the lecture notes used by him for twenty years or more as a Law School professor." Those familiar with the earlier work will find no

surprises in the present volume. The 773 pages of the former work have been compressed into 421 pages in the volume before us. This has been accomplished almost entirely by omitting portions of sections and throwing other portions into the footnotes. Every chapter of the older work has been preserved, and except in one instance the chapter headings remain unchanged. Not only the identity of the chapters but that of the sections has been in general preserved. The sections in the present work number 491 as against 494 in the former volume. On the other hand substantially no new material has been added so far as has been observed and the exact language of the earlier book has in nearly every instance been retained.

There has been a slight and unimportant change in emphasis. The topic of Husband and Wife constitutes in round numbers ten per cent. more of the present volume than of the earlier work. The other topics and the index have been proportionately cut down. Infancy would seem to have suffered rather unduly as compared to the topic of Guardian and Ward, while the slight treatment of the subject of Master and Servant might well have been omitted entirely. But after all the readjustment of emphasis is negligible. The book is an abridgment of the older work and nothing more.

The "main purpose" of the author, as stated in the preface, is "to supply students and the professional lawyer alike with an elementary treatise which may serve for study and practical use." Those who know the earlier work do not need to be assured that any intelligent abridgment of that work would meet the needs of students reasonably well. While not particularly helpful in forecasting the law of the future the author's earlier work was in the main a sound and useful guide to the results of the decisions. The present work is an intelligent abridgment and preserves the merits of the former volume. As far as the student is concerned, therefore, we may cheerfully agree with a recent reviewer who says: "As a statement of the underlying common law this work is in most respects to be commended \* \* \* but with this caution, that the reader must not attribute to it infallibility."

Considering the book as an aid to the professional lawyer we are by no means sure that the standards of the earlier work have been maintained. The professional lawyer needs a book which will put him quickly in possession of the principle in which he is interested and at least a few cases supporting it, chosen with discrimination and fairly up to date. Contents, index, and general arrangement are, therefore, to him, of great importance. The chief difference between the contents and index of the present volume is that one precedes and the other follows the text. Such an important topic as "Separate Estate in Equity" can only be found by looking up the general heading "HUSBAND AND WIFE," then the general subhead "effect of marriage," then the special subhead, "modifications by equity and recent statutes." In the earlier work each section had a descriptive heading forming no part of the text proper. In the present work, doubtless in an endeavor to save space, these headings have been dispensed with and the first few words of each section have been printed in black type. Very frequently these words give no adequate conception of the contents of the section. For instance, the

first sentence of section 482 reads and looks as follows: "BUT WHERE THE CONTRACT IS CORRUPT, OPPRESSIVE OR IMMORAL which the servant performs, it is otherwise." Yet all the rest of the section is given over to a discussion of the liability of the servant in tort; see also section 428.

As regards the citation of cases the author tells us that his aim has been to make the "citations as full as a volume of the present compass may permit." About twenty-five hundred cases appear in the table of cases, approximately half as many as were cited in the earlier volume. It must be noted, however, that the author has adopted the very unsatisfactory expedient of citing cases in his footnotes without giving the names of the cases. Query whether these cases all appear in the table of cases? Of the cases listed in the table of cases a goodly proportion appear to be new. When we note, however, that of the fifty-eight cases on the topic of "Husband and Wife," which Professor Woodruff prints in his case book on Domestic Relations (1897), and of the eighty-three cases on "Husband and Wife under Modern Legislation," which Professor Smith thought worthy of a place in his case book on Persons (1899), Professor Schouler cites but seventeen and seven respectively, we begin to question the author's discrimination while yielding due homage to his independence and originality.

The friendly reviewer whose words have already been quoted comments upon the "clearness of diction" of the books as "refreshing." Here we cannot follow him. We were prepared for the worst in this respect when we read in the preface of a "volume \* \* \* whose chief object is the elucidation of principles," and we were not disappointed. We opened the book at Chapter VII, page 128, and were straightway "refreshed" by the "clearness of diction" of the following passage: "Our preceding pages have shown, in respect to the person of the spouses, their matrimonial domicile, the conjugal restraint and correction of the wife, the custody of the offspring—again, as to the wife's power to bind as agent, her necessities, or, in respect of property, her equity to a settlement, and modern modes of conveying her lands—a modern disposition to so construe and apply or modify even the old law that she may enjoy a very fair share of freedom and consideration in the household, and maintain her dignity under all circumstances." Before we reached the bottom of page 131 we had suffered and noted the following: "Of the American married woman's acts which relate chiefly to their property and contracts, we have already spoken," "this is not easy with so many independent states, each carving out its own career," "not much farther than a century," "the married woman is no longer buried under legal fictions," "to bring her nearer to the plane of manhood," "one whose identity is suspended or sunk in the status of her husband," and finally, "emerging from coverture and the common law we come out into the light of equity."

It would be as trivial as unfair to quote these lapses were they exceptional, but it is believed that a careful examination of the book will support the statement that they are typical of the style in which the book is written. However, all the phrases which have just been quoted appear in the earlier work and have evidently not prevented the real merits of the book from winning for it a recognized place in our legal literature.

Presumably a similar good fortune will attend the present volume. It is submitted however that when an author, as he tells us, has "wholly prepared" an abridgment of an admittedly useful book, the profession has a right to expect to find that he has removed such blemishes as these already too long inflicted upon an indulgent public.

#### REVIEWS TO FOLLOW:

**STUDIES IN THE CIVIL LAW.** By W. W. Howe. Second Edition. Boston: Little, Brown & Co. 1905. pp. xiii, 391.

**THE PRINCIPLES OF THE LAW OF CONTRACTS.** By J. D. Lawson. Second Edition. St. Louis: The F. H. Thomas Law Book Co. 1905. pp. xxvi, 688.

**JURISPRUDENCE LAW AND ETHICS.** By E. B. Kinkead. New York: The Banks Law Pub. Co. 1905. pp. vii, 381.

**WILLS ON CIRCUMSTANTIAL EVIDENCE WITH AMERICAN NOTES.** By G. E. Beers and A. T. Corbin. Boston: The Boston Book Co. 1905. pp. xiii, 448.

**A TREATISE ON EQUITABLE REMEDIES.** By J. N. Pomeroy, Jr. Two Volumes. San Francisco: Bancroft-Whitney Co. 1905. pp. Vol. I, xxx, 1-952; Vol. II, xix, 973-1875.

**A TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS.** By Howard S. Abbott. 1905. pp. Vol. I, xix, 1-965; Vol. II, xvi, 967-1979.

**CONSTITUTIONAL LAW IN ENGLAND.** By E. W. Ridges. London: Stevens & Sons. 1905. pp. xxxii, 459.

**THE ELECTORAL SYSTEM OF THE UNITED STATES.** By J. Hampden Doughtery. New York and London: G. P. Putnam's Sons. 1906. pp. iv, 425.

**THE CONSTITUTIONAL HISTORY OF NEW YORK.** By C. Z. Lincoln. Rochester: The Lawyer's Co-operative Publishing Co. 1906. pp. Vol. I, xxx, 756; Vol. II, xvii, 725; Vol. III, xviii, 757; Vol. IV, xxvi, 800; Vol. V, 551.

**PROCEEDINGS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.** 1906. pp. 232.

**THE LAW OF TRADE-MARKS AND UNFAIR TRADE.** By Norman F. Hesselstine. Boston: Little, Brown & Co. 1906. pp. xxxix, 376.

**FOIBLES OF THE BENCH.** By Henry D. Wilcox. Chicago: Legal Literature Co. 1906. pp. 144.

**THE FIRST YEAR OF ROMAN LAW.** By Fernand Bernard. Translated by Charles P. Sherman. New York: Oxford University Press, American Branch. 1906. pp. xiii, 326.

**THE ELEMENTS OF JURISPRUDENCE.** By Thomas Erskine Holland. Tenth Edition. New York: Oxford University Press, American Branch. 1906. pp. xxv, 441.

**CASES OF THE LAW OF EVIDENCE.** By John H. Wigmore. Boston: Little, Brown & Co. 1906.

**DUE PROCESS OF LAW UNDER THE FEDERAL CONSTITUTION.** By Lucius Polk McGehee. Northport: Edward Thompson Co. 1906. pp. x, 451.